

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 1-10 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-10 will be pending for further consideration and examination in the application.

### **'101 REJECTION RE ALLEGED "SOFTWARE" CLAIM(S) – CLAIMS AMENDED**

Claims 9-10 have been rejected under 35 USC 101, based upon an allegation that Applicant's recited claim(s) may be interpreted in the art as "software".

**Traversal is appropriate.** However, Applicant respectfully submits that present amendments to ones of the rejected claims even further define the rejected claims within proper 101 subject matter, and have obviated the rejection. Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested.

### **ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED**

All 35 USC rejections (i.e., the 35 USC '102 rejection of claims 1, 2, 4-6 and 8-10 as being anticipated by Natarajan et al. (U.S. Patent 6,505,244); and, the 35 USC '103 rejection of claim 3 as being unpatentable over Natarajan et al. (U.S. Patent 6,505,244) in view of Naik et al. (U.S. Patent 7,366,989); and the rejection of claim 7 as being unpatentable over Natarajan et al. (U.S. Patent 6,505,244) in view of Kemp et al. (U.S. Patent Pub 2003/0140150)) are respectfully traversed.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant respectfully submits that the previously-applied references (taken individually, or in combination) neither teach nor suggest (at minimum) "generating and managing correlation information" and "generating monitoring structure information" of the claimed invention.

Applicant's presently-claimed invention relates to a method and a system for efficiently generating information for representing a monitoring structure, for associating a program with a particular resource and information for representing a monitoring structure for associating a particular resource with another resource, by collecting the monitoring information from a program and/or a resource in accordance with a predetermined information (policy) for monitoring the resource. Applicant's claims have been amended based on the paragraphs [0013]-[0014] and [0112]-[0114], for example, of this application's US2004/249937 publication.

In contrast, the previously-applied references do not relate to the generating of a monitoring policy and the generating of a monitoring structure. Such previously-applied reference (e.g., Natarajan et al.) relates to methods for managing and applying a monitoring policy of a network (such as LAN and WAN) and for updating a monitoring policy on each resource.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

## **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

## **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43697X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/  
Paul J. Skwierawski  
Registration No. 32,173

PJS/slk  
(703) 312-6600